



CITY OF MORGAN HILL

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PLANNING COMMISSION MEETING MINUTES

REGULAR MEETING

AUGUST 14, 2001

PRESENT: Acevedo, Benich, Lyle, McMahon, Mueller, Sullivan,

ABSENT: Weston

STAFF: Planning Manager (PM) Rowe and Minutes Clerk Johnson.

Chair Sullivan called the meeting to order at 7:03 p.m.

DECLARATION OF POSTING OF AGENDA

Minutes Clerk Johnson certified that the meeting's agenda was duly noticed and posted in accordance with Government Code Section 54954.2.

OPPORTUNITY FOR PUBLIC COMMENT

Chair Sullivan opened the public hearing.

With no one from the public wishing to address items not on the agenda, the public hearing was closed.

MINUTES:

JULY 24, 2001

COMMISSIONERS MUELLER/McMAHON MOTIONED TO APPROVE THE JULY 24, 2001 MINUTES AS WRITTEN.

THE MOTION PASSED BY THE FOLLOWING VOTE: AYES: BENICH, LYLE, McMAHON, MUELLER, SULLIVAN; NOES: NONE; ABSTAIN: ACEVEDO; ABSENT: WESTON.

OLD BUSINESS:

1) ZA-00-19/ A request for zoning amendment, subdivision, and development agreement approval for
SD-00-10/DA-00-05: a 15-unit single family project located along the south side of Malaguerra Ave. in
MALAGUERRA- the R-1 (20,000)/RPD zoning district.
MANCIAS

PM Rowe presented the staff report. In May, 1997, the subject site was rezoned to R-1 (20,000 sf)/RPD. The Residential Planned Development (RPD) established a 40-ft. Minimum setback on the south side of APN 728-35-017 and a 30-ft. Minimum setback on the west side of APN 728-35-017. Architecturally enhanced fencing was also required along the southern boundary of each lot adjacent to Sullivan Court. The subject site consists of two parcels totaling 8.87 acres. The site is surrounded by existing single-family developments to the north and south, residential-zoned property to the west, and open space to the east. Sullivan Court, which is a private street, borders the site directly to the south. The site is largely undeveloped, with the exception of two single-family homes and accessory structures. PM Rowe explained that the applicant is requesting to subdivide the property into 15 single-family residential lots west of Malaguerra Ave. The remaining portion of the site east of Malaguerra Ave. will be dedicated to the Santa Clara Valley Water District, and will be maintained for public recreational use.

PM Rowe said the newly constructed units will receive access via Malaguerra Avenue and a new public street proposed to bisect the project site. This through street has, he indicated, drawn opposition from area residents and developers on the basis of safety issues because of the potential for increased traffic. He indicated that others support the idea because of increased fire response time. PM Rowe noted that in section C1 of the development agreement, there is the possibility of having a barricade accessible to fire personnel if a through way is constructed. Mainly, he said, the interest in providing a through way is to evacuate residents in the event of an emergency.

Commissioner Mueller asked for clarification on the position of the fire department. PM Rowe responded that they have indicated they want continuous connected streets, noting if completed this would constitute a long street, but not excessively long.

Commissioner McMahon asked if the project had would require a revision of the master plan as submitted for Measure P competition? PM Rowe noted this was so.

Chair Sullivan opened the public hearing.

Bill McClintock, P.O. Box 1029, of MH Engineering, told the Commissioners he did the work for the Measure P competition. He said the application(s) for finalizing the project

are ready to file. Indicating all matters are consistent in the proposal for the road, including this being a straight through road or stubbing it off, Mr. McClintock said an alternative plan is to consider having two cul-de-sacs, noting that properties on a cul-de-sac have more value than those on a straight through street. He asked Commissioners to consider page 13, condition 2 (standard conditions) when making a decision between a through street or a cul-de-sac. He noted that the project had maxed out the points in this category and asked if perhaps a language change is needed? Mr. McClintock said the applicant is willing to consider either alternative as it represents the same amount of dollars to be spent. He also called attention to page 9 in the Development Agreement, paragraph Pii, noting that the Water District has asked this issue to be removed from the tentative map, and asked if this condition should be removed to keep the record clear as the applicant feared this might promote problems if the language remained the same.

Commissioner Lyle asked if

- All materials would be ready for an October 1 submittal of the final map [yes]
- If the building permits would be submitted according to the revised time schedule [yes]
- There is a specific reason why the project is eight months behind schedule? [Applicant claims to have misunderstood the time line]
- There are steps being taken to get on and keep to the schedule [yes]

Mr. McClintock said that he has been urging the applicants for a year to submit the application and that they are working to get the necessary information together.

Julian Mancias, applicant, 1155 E. San Martin Ave., said that regarding the status of plans were such that he could meet the City imposed deadline of June 30, 2002.

It was explained that the schedule was precise and that certain documents must be submitted at specific times. It was noted that the applications for the first set would be due five months from now. Mr. Mancias was given the information which would assist in submitting the application by the January 2002 deadline. Mr. Mancias said he is working on the commitment and that he will be done with everything by December, 2001.

Commissioner Lyle asked if he has plans to development the project himself or sell off the lots? Mr. Mancias said it was the intent of his family members who could do so, to build on the left side of the street to have their homes there. Of those remaining lots, he said, the family hoped to build homes and sell them.

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Commissioners urged Mr. Mancias to pay attention to the schedule, noting there is a big difference in a tight time frame for pulling permits and meeting the deadlines on the schedule indicated.

Mr. Mancias said he is relying on Mr. McClintock to help him meet his obligations. He also said he is trying his best to meet the conditions imposed by the Measure P allocation awards process.

Commissioner Mueller inserted that he doubled the fire response area of five minutes in this area could be reasonable met. He suggested the issue of sprinkling homes of over 4,000 sf may need to be revisited to look at the fire retardant materials used and questioned whether 4,000 sf is a reasonable number in this area or should be reduced.

Dick Oliver, 1556 Morningstar Dr., said he is representing himself as a resident on Morningstar, the Homeowners Association of Coyote Ranch and a developing partner of Coyote Ranch. He questioned whether Mancias asked for permission to build a through road or it was being made a condition by the Planning Commission? Mr. Oliver noted that the real issue for the concern of the through road is traffic and safety. He said that in developing Coyote Ranch, promises had been made to the County and Coyote Ranch potential buyers that the estates would terminate in a cul-de-sac. Mr. Oliver discussed the financial ramifications of the through road versus the cul-de-sac. He also spoke to the issue of sprinkling the homes in the area. Mr. Oliver concluded that the proposal for a through street would create a burden, that a through road is unnecessary. He said that if the through street must be utilized, a barricade would certainly be preferable, but a cul-de-sac would be best. Responding to a question, Mr. Oliver told Commissioners that he had not protested the two points awarded for the through street proposal, but the applicant did not have a letter of agreement from an adjacent property, either.

Rod Martin, 1525 Kennebec Ct., said he is representing the Coyote Creek Homeowners Association and wished to make the points about traffic (which he termed very fast and frequent) saying that frequent calls were made to the police because of the increased traffic to the park and the Boy's Ranch. He also said that drainage was a problem and he was concerned that drainage problems in the area had not been addressed nor reached any sort of resolution.

With no others present to address the issue, the public hearing was closed.

Commissioners engaged in discussion regarding the awarding of points during Measure P competition with perhaps some rearrangement of such. Concern was voiced that points may have been awarded somewhat improperly in this instance. However, PM Rowe noted

that in the past, the City has allowed developers to “make up” points in other areas, if after awarding the points, there was need for adjustment. The issue of revisiting the requirements of fire sprinklers in the area of square footage was discussed and found to have merit.

Commissioner Benich said he likes the idea of providing emergency access, but not having a through street. Commissioners asked about the flooding issues. PM Rowe responded the City is continuing study of the area regarding flooding.

COMMISSIONERS LYLE/McMAHON MOTIONED TO ACCEPT THE NEGATIVE DECLARATION AS PRESENTED. THE MOTION PASSED WITH THE UNANIMOUS VOTE OF ALL PRESENT, WITH WESTON ABSENT.

COMMISSIONERS LYLE/McMAHON OFFERED RESOLUTION NO. 01-57 RECOMMENDING APPROVAL TO AMEND THE EXISTING RESIDENTIAL PLANNED DEVELOPMENT BY ESTABLISHING A PRECISE DEVELOPMENT PLAN FOR A 15 UNIT SINGLE-FAMILY PROJECT ON AN 8.87-ACRE SITE LOCATED ALONG MALAGUERRA AVENUE, NORTH OF SULLIVAN COURT. THE MOTION PASSED WITH THE UNANIMOUS VOTE OF ALL PRESENT, WITH WESTON ABSENT.

Commissioner Mueller asked it be noted that he has concern that this project is on the fringe of where fire response responsibility is heightened and that it may be warranted to require sprinkling on all dwellings of 3,000 sf or more.

COMMISSIONERS LYLE/McMAHON OFFERED RESOLUTION NO. 01-58 APPROVING A 15-LOT SUBDIVISION AS DESCRIBED IN RESOLUTION NO. 01-57 WITH THE FOLLOWING AMENDMENTS: PAGE 11, ADD 42, REQUIRING FIRE SPRINKLERS FOR ALL HOMES ABOVE 3,000 SF; PAGE 3, INCLUDE ITEM 33, AND PAGE 13, ITEM 2 INDICATING THAT TOTAL POINTS MUST BE MAINTAINED. THE MOTION PASSED WITH THE UNANIMOUS VOTE OF ALL PRESENT, WITH WESTON ABSENT.

COMMISSIONERS MUELLER/McMAHON OFFERED RESOLUTION NO. 01-59 WITH THE FOLLOWING AMENDMENTS: PAGE 9, DELETE ITEM ii AND ADD TO #2 ON PAGE 13 LANGUAGE INDICATING THE TOTAL POINTS MUST BE MAINTAINED WHILE STRIKING THE WORDS “MEASURE P”, AND INCLUDING THE REVISED EXHIBIT B. THE MOTION PASSED WITH THE UNANIMOUS VOTE OF ALL PRESENT, WITH WESTON ABSENT.

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**2) ZA-01-04/
ANNEXATION,
ANX-01-02:
MONTEREY-
CHRISTENSEN**

A request to annex 20.55 acres on the east side of Monterey Rd. between Tennant Ave. and Watsonville Rd. and re-zone the parcel from County zoning designation of A-20 to City zoning designation ML, Light Industrial District.

PM Rowe gave the staff report, noting the matter was being return to the Commission from a discussion/agenda item two months ago. This site contains 20.55 acres and is located within a transitional land use area. He noted that the general plan as adopted indicates an extension of roads in the Watsonville Road area which provides for greater development in that transitional area between industrial use and non-industrial use. He noted that in prior discussion, the applicant had been asked to encompass adjacent properties for PUD designation. PM Rowe said that the applicant had expressed concern as to how to urge the adjoining landowner to remove the billboard which was a condition in Resolution No. 01-61. Commissioners discussed with PM Rowe the issues of including the non-applicant landowners in the PUD. He explained that at present only the applicant is interested in requesting annexation and rezone as a precursor to making application for a PUD.

Chair Sullivan opened the public hearing.

Bill McClintock, P.O. Box 1029, of MH Engineering, said that adjacent property owners may not want to annex nor clean up their property. Noting that the applicant has no control over other, he indicated that conditions 4 and 5 in Resolution No. 01-61 would be a "kiss of death" to the proposal. He expressed concern that conditions make progression difficult so asked Commissioners to remove Condition 5 and consider a new condition dealing with the non-conforming sign. Commissioner Acevedo responded that Santa Clara County Code Enforcement Officers should be engaged to help with the problem of the billboard. Mr. McClintock said the County might be able to help, ut the City couldn't ask for assistance in the matter.

With no one else wishing to address the issue, the public hearing was closed.

Commissioners discussed the matter, noting that all violations must be resolved before annexation to the City is possible.

COMMISSIONERS MUELLER/BENICH OFFERED RESOLUTION NO. 01-60 RECOMMENDING APPROVAL OF A ZONING AMENDMENT FROM COUNTY A-20 TO PLANNED UNIT DEVELOPMENT (PUD) WITH AN ml-LIGHT INDUSTRIAL UNDERLAYING ZONING DESIGNATION, WITH THE ADDITION OF SECTION 6 WITH EXTENDS THE AREA TO THE (FUTURE) DESIGNATED LINE OF EXTENSION OF WATSONVILLE ROAD. THE MOTION PASSED WITH THE UNANIMOUS VOTE OF ALL PRESENT, WITH

WESTON ABSENT.

COMMISSIONERS MUELLER/BENICH OFFERED RESOLUTION NO. 01-61 RECOMMENDING APPROVAL OF THE ANNEXATION OF APPROXIMATELY 20.55 ACRES OF TERRITORY LOCATED ON THE EAST SIDE OF MONTEREY ROAD, WEST OF THE RAILROAD TRACKS, NORTH OF WATSONVILLE ROAD, AND SOUTH OF VINEYARD BOULEVARD, WITH THE INCLUSION OF THE FOLLOWING SENTENCE AT THE END OF CONDITION NO. 5 IN SECTION 3: "THIS SHALL ALSO INCLUDE THE REMOVAL OF THE NONCONFORMING BILLBOARD SIGN ON APN 817-06-005". THE MOTION PASSED WITH THE UNANIMOUS VOTE OF ALL PRESENT, WITH WESTON ABSENT.

**3) ZA-01-14:
MONTEREY -
WEST COAST
BEAUTY SUPPLY**

A request to amend a Planned Unit Development (PUD) overlay to include retail/wholesale facilities within Morgan Hill Plaza, located on the corner of Monterey Rd. and Dunne Ave.

PM Rowe gave the staff report. The history of Morgan Hill Plaza was provided. The current application is for wholesale uses to be allowed within a PUD. As proposed the wholesale establishments has the outward appearance of a retail use. The business will be opened to the general public as well as licensed cosmetologists. Normal business hours are similar to those found in other retail establishments.

Commissioners discussed the proposal, wondering if this is a best use for the troubled center. Also discussed was whether a conditional use permit might be feasible for the proposed use as this would potentially provide better control for future uses of the center. It was further discussed if this location was best suited for wholesale use or some other site might be better. Commissioners indicated a feeling that it might be better to encourage such an establish and help the center thrive, rather than be restrictive in tenant use.

PM Rowe suggested that the parking requirements need to be studied for the existing establishments and provided examples of uses and parking requirements in Exhibit A. Following discussion, Commissioners agreed the list was comprehensive at present, but moved item 10 (wholesale establishments) to those uses which may be conditionally permitted. Restaurant sizes in relation to parking needs/requirements were discussed. It was clarified that items 11 (Restaurants - Take Out Only) and 1 (Restaurants with Seating) are addressed in the categories listed in an attempt to ensure consistency to meet parking needs.

COMMISSIONERS MUELLER/McMAHON MOTIONED RESOLUTION NO. 01-62 WITH THE MODIFICATION OF EXHIBIT A AS DISCUSSED WHICH AMENDS A PLANNED UNIT DEVELOPMENT, WHICH INCLUDES THE MORGAN HILL PLAZA AND MULTI-FAMILY RESIDENTIAL USES AT THE INTERSECTION OF MONTEREY ROAD AND DUNNE AVENUE. THE MOTION PASSED WITH THE UNANIMOUS VOTE OF ALL PRESENT, WITH WESTON ABSENT.

OTHER BUSINESS:

**4) RDCS
QUARTERLY
REPORT**

PM Rowe presented the report, noting that most projects are moving forward and that there are no real concerns with progress at this time. However, the economic slow-down has shown a general slowing of permits being requested. PM Rowe explained that the project on Silver Wings Court had issues with confusion regarding the expiration times of permit award dates. Commissioners asked to have information expanded in the future to contain the number of finalized housing units quarterly and year to date. PM Rowe indicated this would happen.

ANNOUNCEMENTS:

City Council concurred with the recommendation of nominations to the Housing Element Committee (Commissioners Weston and Mueller) by making those appointments at the August 1 meeting. The committee will commence action shortly.

Because of the shortage of time, the Measure P applications time line has been revised with the deadline for application submittal being in conformance with the Ordinance which indicates a November 1 deadline. However, PM Rowe cautioned this will cause the hearing to most be likely be in February instead of January. Commissioners were in agreement this would be proper.

Commissioner Mueller announced that pictures of the original Madrone Water Tower have been located. The structure was erected in the early to mid 1930s. At the request of Commissioners, staff will talk to the current owner regarding signage for the Tower.

Commissioner Benich announced that there will be three meetings for the Burrowing Owl Committee. Other Commissioners applauded his work in this area.

Commissioner Acevedo asked when the downtown study will begin? PM Rowe replied that the contract must be let by the City Council and the make-up of the committee decided. He said that a projection is that the matter will be dealt with in September and

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will be a 9 - 10 month process.

A reminder was given that the next meeting will be September 11, 2001.

Commissioner Benich asked what proposed actions are being considered for appointment of a committee to study what happens as a need for a replacement Ordinance for Measure P moves closer? PM Rowe responded that first there is a need to get the housing element in place by the first of the year; then start to look at November 2002 in order to have work begin on a replacement for Measure P.

ADJOURNMENT: There being no further business, Chair Sullivan adjourned the meeting at 8:55 p.m.

MINUTES RECORDED AND PREPARED BY:

JUDI H. JOHNSON
Minutes Clerk

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